

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RAYMOND TUCKER,

Petitioner,

vs.

CASE NO. 06-10250
HON. LAWRENCE P. ZATKOFF
MAGISTRATE JUDGE PAUL J. KOMIVES

CARMEN PALMER,

Respondent.

ORDER TO STAY JUDGMENT

This matter is before the Court on Respondent's Motion to Stay the Court's March 22, 2007, Judgment granting Petitioner's application for a writ of habeas corpus. Respondent has appealed the judgment and now seeks to prevent Petitioner's release from prison pending the appeal. Petitioner has filed a brief in opposition to Respondent's motion. Having reviewed Respondent's Motion to Stay and Petitioner's response thereto, the Court concludes that a stay is in the best interest of the public. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

In addition, under 6 Cir. I.O.P. 22(b), "[w]hen a pro se petitioner is the appellee in a 28 U.S.C. § 2241, § 2254 or § 2255 case, the clerk shall appoint counsel if the petitioner is a pauper." Having concluded that Petitioner qualifies for pauper status in its January 30, 2006, Order Granting Petition to Proceed in Forma Pauperis, the Court will direct the clerk to appoint counsel to represent Petitioner on appeal. Accordingly,

IT IS ORDERED that the Court's March 22, 2007, Judgment granting Petitioner's application for a writ of habeas corpus is HEREBY STAYED pending the Sixth Circuit's

determination on appeal.

IT IS FURTHER ORDERED that the Clerk of the Court shall appoint counsel to represent Petitioner during the appeal of this Court's March 22, 2007, Judgment.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: April 16, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 16, 2007.

s/Marie E. Verlinde

Case Manager

(810) 984-3290